

**REMARKS**

Claims 1-7 are pending in the application.

Claim 1 is amended above to clarify that the sub-assembly seals "against" the periphery of the users face. Support for this amendment is found at least at page 2, lines 22-23 and page 4, lines 7-8 of the specification. No new matter is added to the application by this amendment to claim 1.

The examiner's rejections are overcome or they are traversed as set forth below.

**I. TRAVERSE OF THE ANTICIPATION REJECTION OF CLAIMS 1-4 AND 6-7**

The examiner rejected claims 1-4 and 6-7 for anticipation in view of Tischer *et al.* (USP 6,328,031). In particular, the examiner rejected claims 1-2 and 6-7 for anticipation by the embodiment in Figures 12 and 13 of Tischer *et al.* It is the examiner's position, that among other teachings, Tischer *et al.* discloses a first sub-assembly (113) adapted to be worn around the head including a seal (148) adapted to seal on the periphery of the users face and a second sub-assembly (112).

Tischer *et al.* cannot anticipate claims 1-2 and 6-7 of the pending application because the reference does not disclose a hood having a first sub assembly including "a seal adapted to seal against the periphery of the user's face when worn" as is now required by amended claim 1. The support frame 148 of Tischer *et al.* that the examiner alleges is a seal does not form a seal against the user's face when the hood is worn.

The examiner alleges that support frame 148 of Tischer *et al.* is a seal. Specifically, the examiner cites to column 7, lines 39-51 of Tischer *et al.* which states:

In contrast, the width 154 of the support frame 148 is such that the support frame 148 is substantially rigid across the width 154 to prevent the support frame 148 from buckling when operatively positioned in the groove 138 of the face mask 112 and thus prevent the formation of gaps between the annular edge 147 of the hood 113 and the face mask 112 during use.

(Emphasis added). This excerpt of Tischer *et al.* does not describe a seal against the users face. Instead, this excerpt discloses a seal that is formed between the support frame and the face mask 112 to which support frame is attached. Indeed, Tischer *et al.* discloses:

The support frame 148 is secured adjacent to the annular edge 147 of the hood 113 to aid in supporting the annular edge 147 of hood 113 in the groove 138 of

the facemask 112 and thus maintain the annular edge 147 in a nested relationship with the rim 121 of the facemask 112 while requiring minimal number of fasteners.

(Column 7, lines 23-29). Support frame 148 is clearly disclosed in Tischer *et al.* as being operable with the face mask 112 to provide a seal where facemask 112 is connected to hood 113. (See column 8, lines 1-6). Support frame 148 does not contact the users face and cannot form a seal "against" the users face. Therefore, Tischer *et al.* does not describe a respirator assembly as claimed having a first subassembly including "a seal adapted to seal *against* the periphery of the user's face when worn ...." and Tischer *et al.* does not anticipate any of pending application claims 1-4 and 6-7.

## II. TRAVERSE OF THE ANDREWS *ET AL.* ANTICIPATION REJECTION

The examiner rejected claims 1-5 and 7 for being anticipated by Andrews *et al.* (USP 2,935,985). Claims 1-5 and 7 are not anticipated by Andrews *et al.* at least because Andrews does not disclose a respirator hood including a seal that seals against the user's face when worn.

The examiner refers to feature 5c of bladder 5 within hood 1 of Figure 4 as the feature of Andrews *et al.* that effects a seal between the bladder 5 and the face piece 3 when the later is fastened (Column 3, lines 70-74; Column 5, lines 12-23 of Andrews *et al.*). As with Tischer *et al.*, the Andrews *et al.* seal forms a seal between the two subassemblies – the hood and the face piece of the respirator - and it does not provide a seal against the wearer's face. Indeed, due to its position flap 5c might be said to extend "around" the user's face. However, feature 5c is spaced from the user's face and, therefore, it is not in sealing contact against the periphery of the user's face as is required by amended claim 1.

Moreover, Andrews *et al.* does not feature a seal in contact with the periphery of the user's face at all. Instead, the whole of the interior of the hood in the Andrews *et al.* device is pressurized and a seal is provided around the user's neck (column 3, line 75 to column 4, line 5; column 6, lines 30-43). This arrangement has a disadvantage (described on page 1, line 33 to page 2, line 1 of the present application) that a neck seal can make the respirator uncomfortable to wear and the neck seal cannot be removed and must be worn at all times even when the respirator is not in use. The examiner's rejection of claims 1-5 and 7 for being anticipated by

Andrews et al. must be withdrawn because Andrews *et al.* does not disclose a seal against the periphery of the user's face when worn which is a feature of all pending claims 1-12.

### III. TRAVERSE OF THE OBVIOUSNESS REJECTION OF CLAIM 6

The examiner rejected claim 6 for being obvious over Andrews et al. in view of Bonhomme et al. (USP 6,520,177)

The examiner's rejection of claim 6 for obviousness must be withdrawn because Andrews et al. does not disclose an assembly that includes a seal against the periphery of the user's face when worn as set forth in Section II above.

### IV. THE DRAWING AND CLAIM OBJECTIONS

The examiner's rejection of the specification and figures for failing to disclose an "inlet" is overcome by amending the specification at page 4, lines 35-36 to recite "an inlet fitted with a one-way valve". It is apparent from figure 4 that the respirator assembly includes an inlet. Moreover, one of ordinary skill in the art would easily understand how a one-way valve would be associated with the respirator assembly inlet. For this reason, the examiner's objection to the drawings and to claim 1 are believed to be overcome by the specification amendment made above.

### CONCLUSION

Claims 1-7 are pending in the application and are believed to be patentable for at least the reasons identified above. Favorable consideration and allowance of all pending application claims is courteously solicited.

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